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APPLICATION NO.	FÎLING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,727	03/28/2000	Michael T. Rossides	5508	
7590 12/29/2003			EXAMINER	
Michael T Rossides 11167 E Mirasol Circle			RETTA, YEHDEGA	
Scottsdale, AZ			ART UNIT	PAPER NUMBER
			3622	
			DATE MAILED: 12/29/2003	3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Pariod for Reply   Sexaminer   Sexaminer			Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION.  Educations of them may be assemble under the previous of 3 CPR 1.136(a). In no event, however, may a reply be timely filled  Education of them may be assemble under the previous of 3 CPR 1.136(a). In no event, however, may a reply be timely filled  If the period for reply specified above is less than thinly (30) (days, is reply within the saturary minimum of thinly (30) days will be considered timely.  If the period for reply specified above is less than thinly (30) (days, is reply within the statutory minimum of thinly (30) days will be considered timely.  If the period for reply specified above is less than thinly (30) (days, is reply within the statutory minimum of thinly (30) days will be considered timely.  If the period for reply specified above is less than thinly (30) (days, is reply within the statutory minimum of thinly (30) days will be considered timely.  If the period for reply specified above is less than thinly (30) (days, is reply within the statutory minimum of thinly (30) days will be considered timely.  If the period for reply specified the days are period on the mailing date of this communication.  If the period for reply specified to its communication.  If the period for reply specified above days are period for the mailing date of this communication.  If the period for reply is period for the mailing date of this communication.  If the period for the period for the period for the mailing date of this communication.  If the period for reply is period for the mailing date of this communication.  If the period for reply is period for the mailing date of this communication.  If the period for reply is period for the p			09/536,727	ROSSIDES, MICHAEL T.				
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Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be evaluable under the productes of 37 CFR 1.158(a). In no event, however, may a reply be limited life.  Extensions of time may be evaluable under the productes of 37 CFR 1.158(a). In no event, however, may a reply be limited life.  Extensions of time may be evaluable under the productes of 37 CFR 1.158(a). In no event, however, may a reply be limited life.  Extensions of time may be evaluable under the producted of 1.158 (a) in no event, however, may a reply be limited life.  If NO period for reply a specified above, the maintening statute the substance of 37 CFR 1.758(a). It is the period for reply aspecified above, the maintening statute of 1.158 (a) MONTHS from the maining date of this communication.  For evaluation to the product of 1.158 (a) MONTHS from the maining date of this communication, even if through the communication.  Extensions of the substance is secured to the maining date of this communication, even if through the communication.  Status  1) □ Responsive to communication(s) filled on 29 October 2003.  2a) □ This action is FINAL.  2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) I slare allowed.  Extensions of the above claim(s) is slare allowed.  Extensions of the above claim(s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Extensions of the above claim (s) is slare allowed.  Ex	_		_					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions or few may be available under the provisions of 3 CFR 1.13(a). In no event, however, may a reply be timely filled after 50. (8) MCNTHS from the mailing date of this communication.  **The first of the first of the first of the communication of the first								
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#### **DETAILED ACTION**

## Response to Amendment

This office action is responsive to amendment filled October 29, 2003.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph (see MPEP 2173.05(p) (II) PRODUCT AND PROCESS IN THE SAME CLAIM).

Claim 7 recites method steps and structural limitations, such as "an advertiser process for" and a "recipient process for". Applicant is required to amend the claim.

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber U.S. No. 5,855,008, in view of Walker et al. U.S. Patent No. 6,086,477 and further in view of Vance U.S. Patent No. 6,267,672.

Regarding claim 7, Goldhaber teaches entering an offer if user pays attention to a specified message and if user satisfies a set of target audience characteristics; presenting an interface enabling access to accept the offer, registering acceptance (see col. 7, lines 23-67, col. 11 line 49 to col. 12 line 45 and col. 14 line 65 to col. 17 line 25). Goldhaber teaches paying cash to advertisement viewers, however does not teach providing the value of the chance to win a payoff, (expected value including a Payoff). Walker teaches paying expected value including a payoff to players (see col. 9 line 1 to col. 10 line 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Goldhaber's payment to advertisement viewers and Walker lottery system. Randomly selecting winners and paying expected value of the award to selected ones reduce the outcome of bets or winners. Therefore, one would be motivated to provide chance of winning to all participants and paying Expected value to only selected winner in order to reduce the outcome. Both Goldhaber and Walker failed to teach inspecting winners, if they satisfy offer condition, it is taught in Vance. Vance teaches winners submit information prior to receiving the prize (see col. 6 lines 34-54). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Goldhaber's attention brokerage and Walker's payment of expected value and Vance verification of winners, in order to prevent dishonest consumers from fraudulently claiming prizes as taught by Vance (see col. 6 lines 34-54).

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#### Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Courts U.S. Patent No. 6,260,019 Web-based prediction marketplace.

Walker et al. U.S. Patent No. 6,216,111, telemarketing presentation.

Wood et al. U.S. Patent No. 5,511,781 award wagering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Yehdega Retta Examiner

Yehdega ReHa

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